

REMARKS

Entry of this amendment and favorable reconsideration of this application are respectfully requested.

Claims 1, 2, 4, 6-8 and 10-19 are pending in this application.

Claims 1-4 have been rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite with respect to the phrase “to maintain a predetermined suture/pledget orientation”. Because the allegedly indefinite phrase does not appear in Claim 1, Applicant requests reconsideration and withdrawal of this rejection.

Claims 1-4 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,819,039 to Erickson (hereinafter referred to simply as “Erickson”). This rejection is respectfully traversed.

Erickson fails to teach or suggest a block that contains a first and second slit configured to substantially align with first and second opening on a pledget, wherein the first and second slits are configured and adapted to engage a first and second end portions of a suture to maintain the suture in a substantially perpendicular relation to the pledget. Rather, Erickson discloses a block for storing sutures in a predetermined position relative to other sutures and *not to a pledget*. In fact, a word search of Erickson reveals that the word pledget does not appear anywhere therein. Nor are the Erickson slits disclosed to be configured, adapted or located in a manner conducive to maintaining a suture in any particular position relative to a pledget. Each suture in Erickson is stored in a single slit in block 10.

For at least the foregoing reasons, withdrawal of the rejection of Claims 1, 2, and 4 under 35 U.S.C. §102(b) as being anticipated by Erickson is deemed appropriate and is respectfully requested.

Claims 1-4 have also been rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,582,288 to Zatarga (hereinafter referred to simply as "Zatarga"). This rejection is respectfully traversed.

Zatarga fails to teach or suggest a block that contains a first and second slit configured to substantially align with first and second opening on a pledget, wherein the first and second slits are configured and adapted to engage a first and second end portions of a suture to maintain the suture in a substantially perpendicular relation to the pledget. Rather, Zatarga discloses the use of only one slit when describing the positioning of the suture relative to the pledget. See, e.g., column 2, lines 33-35 which states: "The suture passes through slit 44 and loops back again through slit 44. Pledget 32 is located on suture 12 along the loop at slit 44". While more than one slit may be used in the Zatarga package, the disclosed purpose of the additional slits is to configure the needles of a double-armed suture in a tiered configuration. See, e.g., Zatarga column 2, lines 39-41 which states: "This configuration results in hooks 26 and 30 being in a tiered configuration".


Also, the drawing in Zartaga shows the pledgets in a plane parallel to the retainer card, which is parallel to the sutures. Thus, Zartaga fails to show any configuration wherein a suture is maintained in a substantially perpendicular relation to the pledget. Zartaga shows no other configuration. Thus, Zartaga fails to teach or suggest the presently claimed subject matter.

The Zatarga package simply does not teach or suggest any structure that is configured to maintain a substantially perpendicular suture/pledget orientation as recited in Claim 1. Accordingly, Zatarga does not anticipate or render obvious the presently recited subject matter.

For at least the foregoing reasons, withdrawal of the rejection of Claims 1, 2, and 4 under 35 U.S.C. §102(b) as being anticipated by Zatarga is deemed appropriate and is respectfully requested.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. DeLuca', with a long horizontal flourish extending to the right.

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